

NATIONAL CENTER FOR STATE COURTS

**MINNESOTA SUPREME COURT
STATE COURT ADMINISTRATOR'S
OFFICE**

**EVALUATION DATA:
OPEN HEARINGS AND COURT
RECORDS IN JUVENILE
PROTECTION MATTERS**

FINAL REPORT-VOLUME II

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SECTION I

METHODOLOGY

Table 1 **METHODOLOGY**

The NCSC project team employed a multi-method approach to collect data and information regarding open hearings and records in child protection matters. The data collection methods included:

- Site visits, interviews, and focus groups
- Surveys of child protection professionals and the media
- Information logs-closed hearings, protective orders, and records requests
- Court file review
- Compilation of annual data on the number of dependency and neglect filings and appeals of family cases
- Compilation of newspaper articles on the subject of open hearings/records in child protection proceedings

Each of the data collection methods is discussed briefly below.

A. Site Visits

Table 2 General Information

Table 1 lists the site visit dates by county. The NCSC project team made four separate trips to Minnesota for the purpose of the initial site visits.

Table 1
Site Visit Schedule

<i>County</i>	<i>Date(s)</i>
Week #1	July 19-23, 1999
Pennington County	July 19, 1999
Marshall County	July 20, 1999
Clay County	July 21, 1999
Red Lake County	July 22, 1999
Week #2	August 16-20, 1999
Stevens County	August 16, 1999
Watonwan County	August 17, 1999
Le Sueur County	August 18, 1999
Week #3	August 23-27, 1999
Houston County	August 23, 1999
Virginia-St. Louis County	August 24-25, 1999
Goodhue County	August 26, 1999
Chisago County	August 27, 1999
Week #4	September 13-17, 1999
Hennepin County	September 14-15, 17, 1999

While on site, the NCSC project team hoped to establish a good sense for the impact of open hearings in child protection proceedings on various operational and attitudinal factors, such as local implementation strategies and on-going management of the Pilot Project, court operations, file management, docketing and calendaring, collateral agency operations, system stakeholder perceptions, media coverage, and the frequency of closed hearings and records. The specific on-site activities and their respective purpose are as follows:

- a. Conduct face-to-face interviews with court personnel

PURPOSE: To solicit information about the relationship of open hearings to specific start-up processes, implementation strategies, local court operations and policies, case management, file management, docketing, and calendaring.

- b. Facilitate focus groups with system professionals such as county attorneys, public defenders, social workers, and GALs

PURPOSE: To produce information regarding operational shifts, if any, on collateral agencies and solicit stakeholder perceptions of the frequency of closed hearings and records and on the open hearings process generally.

c. Observe CHIPS and Termination of Parental Rights (TPR) court proceedings¹

PURPOSE: To generate experiential information regarding court hearings such as how cases are called for hearing, judicial style and notice of open hearings to participants, docket postings, participants in process, court spectators, courtroom and waiting area layout, and availability of private conference rooms.

d. Review CHIPS and TPR court files

PURPOSE: To test the feasibility of the proposed court file data collection instrument and to interact and assess the particulars of file management and file setup.

NCSC established, in conjunction with the local court administrator, a specific schedule of on-site activities. With the exception of Hennepin County, which required two and one-half days for on-site activities, the NCSC project team worked on-site an average of one full day at each pilot location.

2. Targeted Interviews

The NCSC project team conducted targeted interviews of court leaders and court managers in each of the twelve sites. The targeted interviews were intended to capture information about the relationship of open hearings to specific start-up processes, implementation strategies, local court operations and policies, case management, file management, docketing and calendaring, observations, and experiences of court leaders and court managers with open child protection proceedings and open records access in each county. Representatives from the following groups were interviewed in most of the sites:

- Local judge
- Court administrator
- Court administration personnel familiar with the operations of the open hearings Pilot Project

¹ NCSC made every effort to coordinate site visits with CHIPS hearing dates. Unfortunately, due to scheduling and infrequency of CHIPS matters in several smaller jurisdictions, it was not possible to observe court hearings in Goodhue County, Red Lake County, Virginia-St. Louis County, and Watonwan County.

3. Focus Groups

Focus groups are group interviews with a moderator guiding the interview as the group discusses the topics raised by the interviewer. The discussion of the participants generates data for analysis. The NCSC project team utilized focus groups to capture the opinions, observations, and experiences of system professionals. The NCSC project team invited representatives from the following groups to participate in the focus group process: (1) the county attorney's office, (2) the county social services department, (3) GALs, and (4) public defenders and child welfare lawyers. See *Appendix A-1. Focus Group Questions* for a complete list of focus group questions. In general, system professionals were asked to reflect on the following topics:

- The benefits and negatives of open child protection proceedings and records
- Their perceptions of the effect of open hearings on court operations, the quality of the proceedings, judicial and system professionals accountability
- The frequency of closed child protection proceedings, protective orders, and records requests
- The impact of open child protection proceedings and open records on the system professionals
- Suggestions for improvements to the operations of open child protection proceedings and open records access

B. Surveys

During the course of the data collection effort regarding open hearings and records in child protection proceedings, three groups of survey instruments were developed and administered (1) System Professionals and Media Survey-Round I, (2) System Professionals and Media Survey-Round II, and (3) Media Telephone Survey.

1. System Professionals and Media Survey-Round I

Survey instruments were designed collaboratively by the National Center for State Courts and the Minnesota Supreme Court Office of the State Court Administrator, with input from the Open Hearings Steering Committee for each of the following professional categories: judges/referees, court administrators, county attorneys, public defenders, GALs, social workers, and the news media. The instruments contained a combination of forced choice and free response questions. The instruments were pre-tested using a small group of professionals before they were finalized. The instruments were designed to capture the perceptions of system

professionals with respect to the impact of open hearings and records on (1) court operations, (2) the quality of court proceedings, (3) the work product of system professionals, and (4) collaboration among system professionals. The NCSC distributed the Round I surveys in June 2000. See *Appendix A-2-Appendix A-8*. Of the 1,171 surveys in the first wave that were mailed and the 978 distributed, 267 were returned as of 6/30/2000, the specified cutoff date for return. Of the 267 returned surveys, 73 of the respondents answered that they had never participated in a child protection hearing that had been opened to the public and were subsequently eliminated from the analysis. Most of those eliminated were GALs and social workers (78%). Consequently the analysis was based on 194 useable surveys.

2. System Professionals Survey-Round II

The National Center for State Courts and the Minnesota Supreme Court Office of the State Court Administrator, with input from the Open Hearings Steering Committee worked collaboratively to design surveys for each of the following professional categories: judges/referees, court administrators, county attorneys, public defenders, GALs, social workers, and the news media. The instruments contained a combination of forced choice and free response questions. The Round II instruments were modified to reflect the passage of time and potential attitudinal shifts from the Round I distribution. Like the Round I surveys, Round II instruments were designed to capture the perceptions of system professionals with respect to the impact of open hearings and records on (1) court operations, (2) the quality of court proceedings, (3) the work product of system professionals, and (4) collaboration among system professionals. The NCSC distributed the Round II surveys in March 2001. See *Appendix A-9-Appendix A-15*. Of the 1,050 surveys sent out for distribution in the second wave, 458 were returned as of 3/31/2001, the specified cutoff date for return. Of the 458 returned surveys, 123 of the respondents answered that they had never participated in a child protection hearing that had been opened to the public and were subsequently dropped from the analysis. Most of those dropped were GALs and social workers (74 percent). Consequently the analysis was based on 335 useable surveys.

The responses to each question were cross-tabulated with Type of Professional to detect differences in response between the different types of professionals surveyed. A Chi-square statistic was used to test for statistical significance. Since the content of the media survey was

much different than the other surveys, a separate analysis was conducted for the responses to this survey. Thematic responses were collected and entered into a separate database.

3. Media Telephone Survey

In response to a disappointing response rate to the mailed media survey, the research staff of the Minnesota Supreme Court developed a modification of the mailed media survey for the purpose of conducting a telephone survey of the new media. Supreme Court personnel administered the survey instruments to members of the media via phone during the week of April 23, 2001. A total of 46 completed surveys were forwarded to the NCSC project team. The data were entered into a database and frequencies run for each of the items on the Media Telephone Survey. The Minnesota Supreme Court Supreme Court Office of the State Court Administrator developed the Media Telephone Survey to capture direct responses from the media regarding their perceptions of the impact of open hearings and records on (1) access to records and hearings by the media, (2) media coverage of child protection proceedings, (3) the quality of court proceedings, (4) the work product of system professionals, and (5) collaboration among system professionals. See *Appendix A-16*.

C. Closed Hearings, Protective Order, and Records Request Logs

As part of the data collection effort, the NCSC project team requested that the twelve participating sites maintain logs in order to record information about the frequency of closed hearings, protective orders and records requests.² See *Appendix A-17 Closed Hearing and Protective Order Logs* and *A-18 Records Requests Logs*. The data and information collected

² In the November 1999 *Interim Progress Report*, it was estimated that fewer than ten child protection proceedings were closed in the participating counties since the inception of the Pilot Project, practically rendering random sampling a mathematical impossibility. Needless to say during the initial site visits, the NCSC project team did not encounter any cases through random sampling involving "closed" proceedings or which involved a record request during our onsite file review. During interviews and file review, the NCSC project team examined changes in record keeping and procedures that occurred after initiation of the open hearings/records policy. Only a few sites had systematic procedures to maintain information regarding closed hearings, protective orders, and records requests. (For example, Hennepin County maintained an internal pre and post open hearings/records implementation records request log.) As a result few court leaders and system professionals were able to identify specific cases to the NCSC project team, although there were a few instances of closed hearings, protective orders and records requests. The NCSC project team recommended that random file review be eliminated from the data collection effort. As an alternative procedure, NCSC recommended that designated personnel at each participating court keep lists of the case numbers of any cases, (1) which required a closed child protection proceeding, (2) which involved a request for records, (3) which involved protective orders, restricting access to records, or (4) which involved a person being excluded from the courtroom. These lists of cases would inform the file review process.

during the data collection time period (May 2000 through March 2001) would inform the court file review process and enable the NCSC project team to direct its attention to these specific cases.³

D. Court File Review

To achieve a more detailed examination of requests for court documents submitted since the implementation of the open records policy, approximately 180 requests were randomly selected from 1,109 record requests that were made between August 1998 and April 2001 in Hennepin County. See *Appendix A-19 File Review Instrument*. Eventually this number was reduced to 157 (14.2 percent of the requests) as a result of missing files, incorrect SJIS numbers, and failure to find information about the documents being requested. This sample size is more than sufficient to insure the generalizability of the results reported herein. Data describing the requester, the document requested, demographics of the child involved in the case, the nature of the allegations in the petition, and information about protective orders related to the case were collected.

E. Compilation of Annual Data on the Number of Dependency and Neglect Filings and Appeals of Family Cases

It is possible that opening child protection proceedings and court records to the public might influence filing rates of dependency/neglect cases. For example, open hearings/records might have a “dampening” effect on the number of dependency/neglect cases filed, since concern over privacy might inhibit families from seeking assistance from the courts and professionals from making referrals of clients to the courts (if they had concerns for clients’ privacy). An increase in the number of appeals might be the result of problems originating with open hearings/records. Annual data on the number of (1) dependency/neglect case filings and (2) family case appeals, by county, was obtained online from Minnesota’s CRIMNET website (<http://www.crimnet.state.mn.us/>). Data from 1996 through 2001 were available. Trends for these two types of cases during this time period were examined.

³ Each site was also asked to recreate this information from the implementation of the open hearings/records Pilot Project through April 2000, when possible.

F. **Compilation of Newspaper Articles**

The Court Services staff of the Minnesota Supreme Court compiled newspaper articles printed in Minnesota between 1998 and May 2001 on the subject of child protection. These articles were carefully scrutinized by the evaluation team for evidence of (1) the flavor of the media's handling of child protection cases and issues, (2) sensationalistic coverage of child protection cases, (3) compromises of parent and/or child privacy, and (4) trends overtime in the extent of coverage of child protection cases and issues.